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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,417	01/26/2004	Hajime Yagi	045237-0128	4715

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EXAMINER
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MAKIYA, DAVID J

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/763,417

Applicant(s)

YAGI, HAJIME



Examiner

David J. Makiya

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 6 and 15-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-14, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al. (US Patent 6,509,832) in view of Misaji et al. (US 2003/0098908).

With respect to claims 1, 2, and 8, Bauer et al. teaches an assembly comprising an image capturing unit 26a, a visible-light emitting unit 180 that emits visible light, wherein the visible-light emitting unit is arranged such that the visible light emitted does not directly enter into the image capturing unit (Column 14, Lines 22-26). However, Bauer et al. fails to explicitly describe the assembly being in an outside mirror for a vehicle. Bauer et al. further teaches, “the physical mounting of the cameras and displays may be separately implemented regardless of the functionality or structure of the imaging system of which the cameras and displays are components” (Column 16, Lines 45-49) and that cameras could be used in outside mirrors for a vehicle (Column 14, Lines 34-38). In addition, Misaji et al. teaches an outside mirror for a vehicle comprising an image capturing unit 20 and a visible light emitting unit 30 (Paragraph 35) that functions as a side marker lamp of the vehicle. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the assembly of Bauer et al. with the outside mirror teachings of Misaji et al. because having the device in a side mirror would

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allow the driver to safely and quickly check the exterior of the vehicle or surrounding area without needing to leave the vehicle.

With respect to claim 3, Bauer et al. teaches the outside mirror wherein the visible-light emitting unit includes a visible-light distribution controller 510 that controls distribution of the visible light emitted within a predetermined range, wherein the visible-light distribution controller is configured as a reflector or a prism.

With respect to claim 4, Bauer et al. teaches the outside mirror further comprising a lens 504 that transmits the visible light emitted.

With respect to claim 5, Bauer et al. teaches the outside mirror wherein the visible-light emitting unit is provided as a unit part (Figure 14).

With respect to claim 7, Bauer et al. teaches the outside mirror further comprising an infrared emitting unit (Column 14, Lines 27-29) that emits infrared radiation.

With respect to claim 9, Bauer et al. teaches the outside mirror wherein the visible-light emitting unit includes a visible-light distribution controller 510 that controls distribution of the visible light emitted within a predetermined range.

With respect to claim 10, Bauer et al. teaches the outside mirror wherein the infrared emitting unit includes an infrared radiation distribution controller 512 that controls distribution of the infrared radiation emitted within a predetermined range; and the visible-light emitting unit includes a visible-light distribution controller 510 that controls distribution of the visible light emitted within a predetermined range.

With respect to claim 11, Bauer et al. teaches the outside mirror further comprising a first lens 510 that transmits the visible light emitted.

With respect to claim 12, Bauer et al. teaches the outside mirror further comprising a second lens 512 that transmits the infrared radiation emitted.

With respect to claim 13, Bauer et al. teaches the outside mirror wherein the infrared emitting unit is provided as a unit part (Figure 14).

With respect to claim 14, Bauer et al. teaches the outside mirror wherein the infrared emitting unit includes an infrared source, the infrared source includes at least one infrared light-emitting-diode that emits the infrared radiation (Column 14, Lines 27-29), the visible-light emitting unit includes a visible-light source, and the visible-light source includes at least one visible light-emitting-diode that emits the visible light (Column 13, Line 66-Column 14, Line 2).

With respect to claim 19, Bauer et al. teaches an outside mirror for a vehicle, comprising an image capturing unit 26a and a visible-light emitting unit 180 that emits visible light, wherein the image capturing unit captures an image of an area illuminated by the visible-light emitted or near the area (Figure 14), and the visible-light emitting unit is arranged such that the visible light emitted does not directly enter into the image capturing unit (Column 14, Lines 22-26).

With respect to claim 20, Bauer et al. teaches an outside mirror for a vehicle, comprising an image capturing unit 26a and a visible-light emitting unit 180 that emits visible light, wherein the visible-light emitting unit illuminates an area where the image capturing unit captures an image or near the area (Figure 14), and the visible-light emitting unit is arranged such that the visible light emitted does not directly enter into the image capturing unit (Col. 14, Line 22-26).

***Allowable Subject Matter***

Claims 6, 15, 17, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is an examiner's statement of reasons for allowance:

With respect to claims 6 and 18, the prior art fails to teach or suggest an outside mirror with an image capturing unit controlled by a tilting mechanism.

With respect to claims 15-17, the prior art fails to teach or suggest an outside mirror with an infrared LED on one substrate surface and a visible LED on another surface of the substrate.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Makiya whose telephone number is (571) 272-2273. The examiner can normally be reached on Monday-Friday 7:30am - 4:00pm (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJM 02/07/2006

  
RENEE LUEBKE  
PRIMARY EXAMINER